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Patents, Trademarks,
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Related Litigation

January 13, 2005

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Petition for Refund
C&B Ref. No. 4015-755
U.S. Patent Application
Serial No.: 9/668448
Filed: September 22, 2000
A NEW INVERTED-F ANTENNA FOR CLAM-SHELL TYPE WIRELESS
COMMUNICATION HANDSETS

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*registered patent agent

Dear Sir:

On December 9, 2004, we filed an Amendment after Final in the above-identified matter. We enclosed a check in the amount of \$120 to cover the cost of a one-month time extension. The Patent Office drafted an additional \$330 on January 5, 2005 for the difference between a one-month and two-month time extension. Apparently the Patent Office believed that we needed to pay for a two-month time extension, not a one-month time extension. However, that is incorrect.

The Final Office Action was mailed to us on July 19, 2004. We responded to that Final Office Action on September 14, 2004, which was within a two-month time period. The Advisory Action was mailed November 18, 2004. Because Applicant mailed the response after final within two months of the mailing date of the Final Office Action, and because the Examiner mailed the Advisory Action after the end of the three-month shortened statutory period, any extension fee pursuant to 37 CFR 1.136(a) should be calculated from the mailing date of the Advisory Action, November 18, 2004. See MPEP 706.07(f) and pages 6-7 of the Final Office Action.

Applicant notes that the Examiner checked box a) under the Period for Reply in the Advisory Action. However, because the response after final was mailed before the two month time period expired, the Examiner should have checked box b).

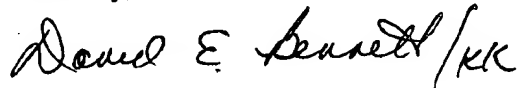
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In any event, Applicant filed a response to the Advisory Action on December 9, 2004, which was less than one month from the mailing date of the Advisory Action. As such, the one-month extension of time was correct and our check was for the right amount.

The Patent Office mistakenly deducted funds from our deposit account. Please reimburse Deposit Account No. 18-1167 for \$330.

If you have any questions, please do not hesitate to contact me.

Sincerely,



David E. Bennett

/kk




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PTO/SB/22 (12-04)

Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (P.L.R. 4915))		Docket Number (Optional) 4015-755	
Application Number 09/668,448		Filed Sep. 22, 2000	
For All			
Art Unit 2682		Examiner Tran, Tuan	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
		Fee	Small Entity Fee
<input checked="" type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 18-1167 . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number 53,639			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 Signature		12/9/04 Date	
Jennifer K. Stewart Typed or printed name		(919) 854-1844 Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of 0 forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

12/14/2004 HBL111 00000037 09668448 120.00 CR 01 FC:1251

Adjustment Date: 03/16/2005 SDIRETA1
01/05/2005 TRIDDICK 00000004 181167 09668448
01 FC:1252 330.00 CR